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ORDINANCE NUMBER 2739

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW TIRE REPAIR AND BATTERY INSTALLATION USES IN ADDITION TO EXISTING AUTOMOTIVE TUNE-UP OPERATIONS, ON AN APPROXIMATELY 0.36 ACRE TRACT OF LAND LOCATED AT 14000 JOSEY LANE AND WITHIN THE PLANNED DEVELOPMENT NUMBER 3 (PD-3) ZONING DISTRICT; AMENDING ORDINANCE 1224; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow tire repair and battery installation uses in addition to existing automotive tune-up operations, on an approximately 0.36 acre tract of land located at 14000 Josey Lane and within the Planned Development No. 3 (PD-3) zoning district (hereinafter the "Property"), as described in the attached Exhibit "A," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 3 (PD-3) zoning district and in accordance with the approved site plan attached hereto as Exhibit "B" and the plan of operation attached hereto as Exhibit "C." All exhibits attached hereto are incorporated herein by reference.

SECTION 4. That the Property shall also comply with the following conditions for approval:

- a. A final landscape plan including plant varieties and sizes shall be reviewed and approved by staff, prior to the installation of plant materials and the proposed landscape improvements shall be installed prior to issuance of a certificate of occupancy to allow tire repair and battery installation.
- b. The sanitation screening enclosure, monument sign and awning improvements shall be subject to review and approval by staff prior to issuance of a building permit, and shall be constructed prior to issuance a certificate of occupancy for tire repair and battery installation uses.

SECTION 5. That Ordinance 1224 is hereby amended, as provided for herein.

SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 8. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 9. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

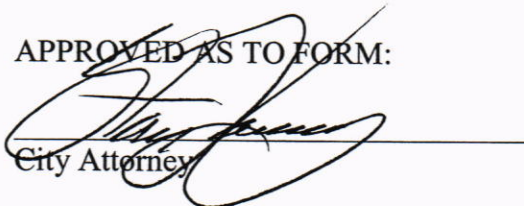
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 22 day of September, 2003.

APPROVED:

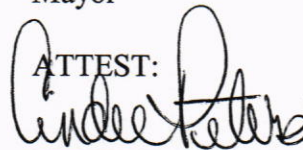


Mayor

APPROVED AS TO FORM:


City Attorney

ATTEST:



City Secretary

Exhibit "A"

LEGAL DESCRIPTION

BEING a part of Lot 1-R, Block A of VALWOOD VILLAGE SHOPPING CENTER, an addition to the City of Farmers Branch, DALLAS County, Texas, according to the Map thereof recorded in Volume 90144, Page 5308, of the Map Records of DALLAS County, Texas, and being more particularly described as follows.

COMMENCING at a found "x" in concrete at the intersection of the East line of Josey Lane (100 foot right of way) and the South line of Valwood Parkway (100 foot right of way);

THENCE South along said East line of Josey Lane for 555.80 feet to a found "x" in concrete at the point of beginning;

THENCE East along the South line of an existing service road (30 foot right of way) for 125.00 feet to a found "x" in concrete;

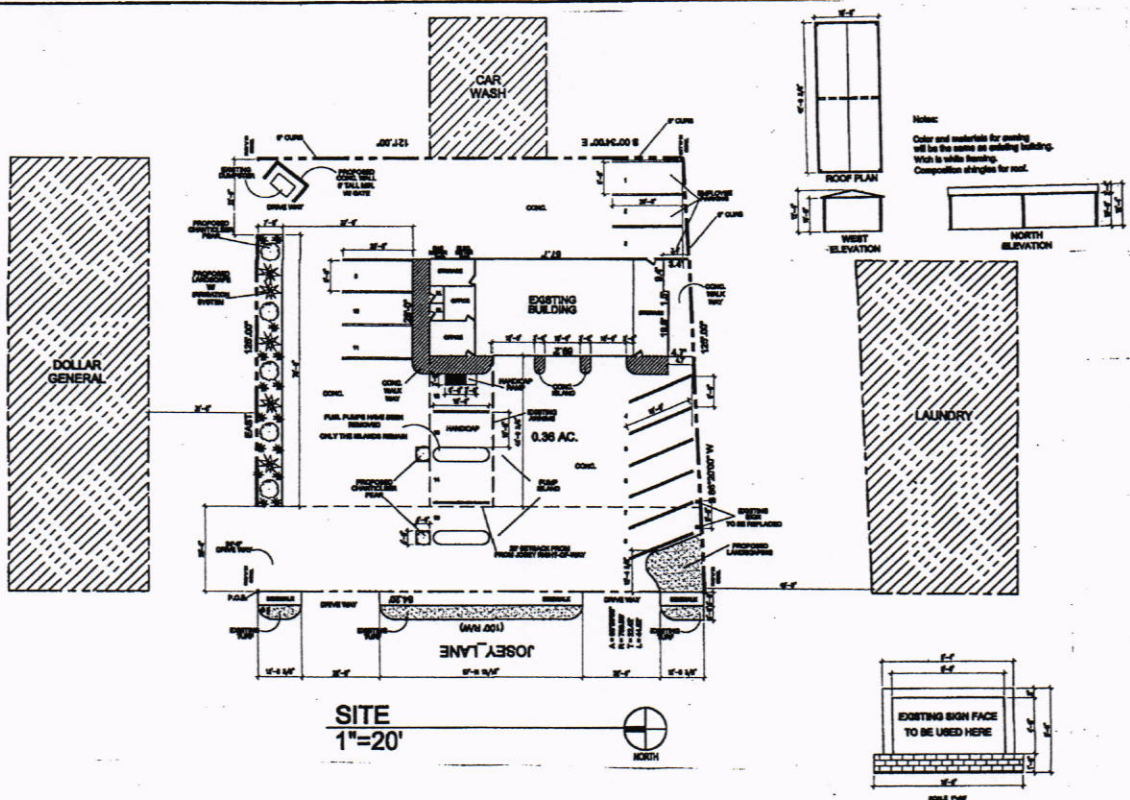
THENCE South 00 degrees 34 minutes East for 121.00 feet to a point;

THENCE South 86 degrees 20 minutes West for 125.00 feet to a point in the said East line of Josey Lane at the point of curvature of a non-tangent curve to the right having a central angle of 03 degrees 39 minutes 56 seconds, a radius of 700.56 feet and a long chord bearing and distance of North 01 degrees 51 minutes 27 seconds West, for 44.81 feet;

THENCE Northerly along said East line and said curve for an arc length of 44.82 feet to a point;

THENCE due North along said East line for 84.20 feet to the POINT OF BEGINNING and CONTAINING 15,680 square feet or 0.36 acres of land, more or less.

Exhibit "B"



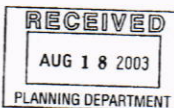
LEGAL DESCRIPTION

BEING a part of Lot 1-B, Block A of VALWOOD VILLAGE SHOPPING CENTER, an addition to the City of Farmers Branch, Dallas County, Texas, according to the map thereon, recorded in Volume 8014, Page 1306 of the Map Records of Dallas County, Texas, and being more particularly described as follows: COMMENCING at a found "x" in concrete at the intersection of the East line of Josey Lane (100 foot right of way) and the South line of Valwood Parkway (100 foot right of way); THENCE South along said East line of Josey Lane for 555.80 feet to a found "x" in concrete at the point of beginning; THENCE East along the South line of an existing service road (30 foot right of way) for 113.50 feet to a found "x" in concrete; THENCE South 00 degrees 34 minutes East for 121.00 feet to a point; THENCE South 84 degrees 20 minutes West for 125.00 feet to a point in the said East line of Josey Lane at the point of curvature of a 100-foot radius curve to the right having a central angle of 63 degrees 30 minutes and a distance of 100.00 feet and a long chord bearing and distance of North 01 degrees 51 minutes 37 seconds West, for 44.82 feet; THENCE Northwesterly along said East line and said curve for an arc length of 44.82 feet to a point; THENCE due North along said East line for 84.20 feet to the POINT OF BEGINNING and containing 11,460 square feet or 0.36 acres, more or less.

SURVEYOR'S CERTIFICATE

This is to declare that I, Donald Stewart Peebles, a Registered Professional Land Surveyor of the State of Texas, having prepared this drawing from an actual on the ground survey, and that all lot corners, angle points and points of curve shall be properly marked on the ground, and that this plat accurately represents the survey made by me or under my direction and supervision.

Donald S. Peebles
Donald S. Peebles
R.P.L.S. No. 2437
Date 11/5/96



Lot area = 0.36 AC.

Edging Building = 1637 S.F.

Proposed landscape = Approx. 780 S.F.

Trees = 7 chariclear pear or similar tree variety, min. 2" caliper

Parking space = 14

Sign = proposed monumental sign are 8'x4' and 1' above the ground, max. 6 ft. total height

Notes: * There will not be any modification on the building.

* No car will be left outside the building at night, or after the work hours.

* All the works will be done inside the shop, and there will not be any activities outside the building.

* There shall be no outside storage nor display of merchandise for sale.

NOTE: The following do not affect this property:

Vol. 538, P. 1875
Vol. 83070, P. 1524
Vol. 87098, P. 1913
Vol. 86209, P. 2498
Vol. 90172, P. 1620

TITLE SURVEY

0.36 ACRE TRACT
PART OF VALWOOD VILLAGE
SHOPPING CENTER
CITY OF FARMERS BRANCH
DALLAS COUNTY, TEXAS

PEEBLES & ASSOCIATES
CIVIL ENGINEERS / LAND SURVEYORS
530 BEDFORD ROAD
BEDFORD, TEXAS 76022
METRO (817) 268-3316

DRAWN BY: P. E. A. PROJECT NO. SHEET 1 OF 1
DATE: 11-5-98 FILE NO.

Exhibit "C"



Planning & Zoning Commission of the City of Farmers Branch
Application for Specific Use Permit

PLAN OF OPERATION

All non-residential uses must provide the following information with the application:

Describe proposed use TUNE-UP, TIRES, BATTERIES AND ACCESSORIES
& INSPECTIONS (THE BUSINESS WILL PROVIDE TIRE REPAIR ONLY)
(NO NEW OR USED TIRE INSTALLATION AND SALES) AND THERE WILL
BE NO STORAGE OF TIRES ON THE SITE.

Indicate hours of operation of the proposed use 8:00 AM - 7:00 PM

Total number of employees TWO (2) (owner + 1 employee)

Indicate if any storage is proposed outside the building NONE

Indicate if any activity is proposed outside the building NONE

Any other relevant unique information on the business or site

There will be five (5) Batteries in stock
in storage room & (there will be new batteries) and
no repair will be done on the old Batteries.

